



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 09/134,792
Filed: August 14, 1998
Inventor(s):
Bruce Mihura

Examiner: Psitos, A.
Group/Art Unit: 2651
Atty. Dkt. No: 5399-00100

2651
#15
mjs
10-01-03

Title: MUSIC SYSTEM

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

8/15/2003

Date

JCH

Signature

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RESPONSE TO NOTICE OF ABANDONMENT

SEP 24 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Technology Center 2600

Applicant hereby submits this Response to the Notice of Abandonment in the above-identified application. The Examiner indicated in a telephone conference that the above-identified application had been abandoned due to a failure to respond to an Office Action mailed in May of 2001.

However, Applicant did not receive an Office Action in this matter mailed in May of 2001. Attached hereto is a true and correct copy of the docket record of the undersigned with regard to the subject application. The undersigned has no record of receipt of an Office Action mailed in May of 2001 with regard to the above-identified application. Applicant attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

Applicant has reviewed the file and believes that our firm address is the correct correspondence address. However, the Examiner indicated a different correspondence address for this matter. Applicant has checked with the inventor, and the inventor states that he did not

receive this Office Action. Applicant further believes the Office Action may have gone astray insofar as the Patent Office indicated the wrong address for the undersigned. Applicant filed a Request for Continued Examination on March 28, 2001. However, Applicant believes the May 2001 Office Action may have been sent to the wrong address.

Applicant therefore respectfully requests entry of this Response in the application and requests that the Notice of Abandonment be withdrawn. Applicant further requests that a correctly addressed and redated Office Action be mailed to the addressee currently of record.

No fees are believed necessary, however, should any fees be required, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 501505/5399-00100.

Respectfully submitted,



Jeffrey C. Hood
Reg. No. 35,198
Attorney for Applicant(s)

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800
Dated: 9/15/2003



Country Application

17-Sep-02

Case Number: 5399-00100 **Country:** US **SubCase:**
Client: BRUCE MIHURA United States of America
Case Type: ORD **Application Status:** Pending **Area(s):**
Application Number: 09/134799 **Filing Date:** 14-Aug-1998 EP
Patent Number: **Issue Date:**
Publication Number: **Publication Date:**
Tax Schedule: LE **Expiration Date:**
Tax Start Date:
Agent:
Agent Reference Number:

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List Of Actions

Action(s) Due	Due Date		Action Taken
IDS	14-Nov-1998	Due Date	23-May-2000
Client Letter	14-May-1999	Due Date	23-May-2000
Expect Action	14-Aug-1999	Due Date	23-May-2000
Foreign Filing Deadline	14-Aug-1999	Due Date	23-May-2000
Restriction Due	13-May-2000	Due Date	23-May-2000
Status Letter	14-Aug-2000	Due Date	23-May-2000
Response Due	01-Sep-2000	Due Date	13-Oct-2000
Final Deadline	13-Sep-2000	Final	23-May-2000
Response Due	28-Feb-2001	Due Date	29-Mar-2001
Final Deadline	30-May-2001	Due Date	29-Mar-2001

User ID: sonie

Date Created: 23-May-2000

Last Update: 23-May-2000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 09/134,799
Filed: August 14, 1998
Inventor(s):
Bruce Mihura

Examiner: Psitos, A.
Group/Art Unit: 2651
Atty. Dkt. No: 5399-00100

Title: MUSIC SYSTEM

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Jeffrey C. Hood

8/15/2003
Date

Jeffrey C. Hood
Signature

**STATEMENT IN SUPPORT OF RESPONSE
TO NOTICE OF ABANDONMENT**

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Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit this statement in support of its Response to Notice of Abandonment in the above-identified application.

On September 17, 2002, Aristotelis M. Psitos of the U.S. Patent Office called and asked if the undersigned had filed a response to an Office Action which was mailed in May of 2001.

The undersigned believes that the Office Action apparently mailed by the U.S. Patent Office was never received.

When an office action requiring a response, is received from the U.S. Patent Office by our office, the due date for responding to the office action is entered into our computerized docketing system. This information is entered using the Attorney Docket Number identified on the office

action. The office action is subsequently routed and physically placed into the corresponding application file.

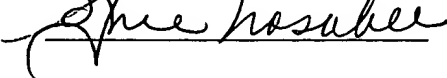
Applicants' representative encloses a copy of the docket record corresponding to the above referenced application. If the allegedly mailed Office Action was received, the docket record would indicate a due date for response to an Office Action. The enclosed docket record copy does not show a response due date, thus indicating that the Office Action was not received from the U.S. Patent Office. Applicants' representative has searched the respective file and can find no indication of the allegedly mailed Office Action therein.

Not knowing of the Office Action, Applicant did not respond thereto. This statement is signed by Applicants' representative, Jeffrey C. Hood, and our firm's docket paralegal, Sonie Nasabee.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made that the knowledge that willful false statements in the like so may are punishable by fine, or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed to.

Name: Sonie Nasabee

Title: Docketing Paralegal
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767-0398

Signature: 

Date: September 15, 2003

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Name: Jeffrey C. Hood

Title: Attorney for Applicants
Reg. No. 35,198
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767-0398

Signature: _____

Date: _____

Respectfully submitted,

Jeffrey C. Hood
Reg. No. 35,198
Attorney for Applicant(s)

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Dated: _____